

1 The Honorable James L. Robart
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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 UNITED STATES OF AMERICA,) NO. CR06-0164JLR
8 Plaintiff,) (PROPOSED) ORDER GRANTING
9 v.) THE DEFENSE REQUEST TO
10) CONTINUE THE TRIAL DATE
11 TRACY DAMON LEE,)
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THE COURT having considered the defendant's request to continue the trial date and his agreement to extend the time for trial by signing a speedy trial waiver through October 31, 2006, which will be filed separately with the Court, as well as the records and files herein, hereby makes the following findings of fact:

1. That the defendant's prior counsel, Carol Koller, was permitted to withdraw from the case on July 14, 2006. See Dkt. No. 35. The defendant's new counsel, Walter Palmer, subsequently filed his notice of appearance on July, 17, 2006, and was officially appointed as new counsel on July 20, 2006. See Dkt. Nos. 37 and 40.

2. The time for speedy trial has been tolling in this matter since June 20, 2006, when the defendant and his former attorney, Carol Koller, filed their motions. See Dkt. Nos. 21 through 25. These motions are still currently pending as the hearing on these motions had to be continued due to the appointment of new counsel, Walter Palmer.

3. The Court finds that a failure to grant a continuance of the current trial date (July 25, 2006) would deny Walter Palmer, the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(8)(B)(ii).

4. The Court further finds that the ends of justice will be served by ordering a

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UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
(206) 553-7970

1 continuance in this case and that a continuance is necessary to insure effective trial
2 preparation and that these factors outweigh the bests interests of the public in a more
3 speedy trial within the meaning of 18 U.S.C. § 3161(h)(8)(A).

4 IT IS THEREFORE ORDERED that the trial date be continued from July 25,
5 2006, to October 10, 2006. The deadline for the defense to file any additional pretrial
6 motions is August 22, 2006. The pretrial motions already pending and any additional
7 motions brought by the defendant's new counsel, Walter Palmer, will be heard on
8 September 22, 2006.

9 IT IS FURTHER ORDERED that the period of time from July 20, 2006, up to and
10 including the new proposed trial date of October 10, 2006, shall be excludable time
11 pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161, *et. seq.* As noted above the
12 defendant has agreed and will sign a waiver of speedy trial through October 31, 2006.

13 DONE this 21st day of July, 2006.

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16 JAMES L. ROBART
United States District Judge

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18 Presented by:
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20 s/ C. Andrew Colasurdo
C. ANDREW COLASURDO
21 Special Assistant United States Attorney
WA Bar #27449
United States Attorney's Office
22 700 Stewart Street, Suite 5220
Seattle, WA 98101-1271
23 Telephone: (206) 553-4075
Fax: (206) 553-0755
24 E-mail: Andy.Colasurdo@usdoj.gov

25 s/ Walter Palmer (per telephonic approval)
26 WALTER PALMER
Attorney for Tracy Damon Lee

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UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
(206) 553-7970